

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-203

Judge: James M. Mapp

Complainant: Joseph Valentine

ORDER

The complainant alleged a municipal court judge improperly ruled in the absence of personal jurisdiction on a photo radar citation.

Rule 1.1 of the Code of Judicial Conduct requires judges to comply with the law, and Rule 1.2 requires that judges “act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety.” Rule 2.2 requires judges to uphold and apply the law, and Comment 3 to this rule clarifies that while a “good faith error of fact or law does not violate this rule,” a judge who has engaged in “a pattern of legal error or [intentionally disregarded] the law” may be found to have committed ethical misconduct.

Mr. Valentine, the complainant in this matter, received a traffic citation through the mail but was not personally served with the citation, as is required by law. When he called the court clerk’s office to make an inquiry about his case, the court treated his phone call to the clerk’s office as a waiver of the personal service requirement although there was no evidence that Mr. Valentine desired or intended to waive that requirement, and he did not meet any of the statutory requirements for such a waiver such as an appearance in court.

As confirmed in Judge Mapp’s response, his court’s standing policy is not to abide by the statutory requirements for waiver. The commission takes no position on whether a telephonic appearance should be treated as complying with the statute’s allowance for a waiver through a court appearance, but there is no legal authority for treating a simple phone call to court staff as an effective waiver of personal service.

After reviewing the complaint, the judge’s response, and related materials, the commission determined that clear and convincing evidence exists demonstrating that the judge engaged in a pattern of legal error and may also have intentionally disregarded the law.

Accordingly, Municipal Court Judge James M. Mapp is hereby publicly reprimanded for his conduct as described above and pursuant to Commission Rule 17(a). The record in this case, consisting of the complaint, the judge's response, and this order shall be made public as required by Rule 9(a).

Dated: October 22, 2013.

FOR THE COMMISSION

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on October 22, 2013.

This order may not be used as a basis for disqualification of a judge.

CONFIDENTIAL

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2013-203

HOW TO FILE A COMPLAINT AGAINST A JUDGE

AUG 12 2013

You may file a complaint against a judge by completing this form and sending it to the Commission on Judicial Conduct at the address above. The information you provide will be used to evaluate and investigate your allegations.

Before going any further, you should read our brochure or go to our website (www.azcourts.gov/ethics) to learn more about the purpose and jurisdiction of the commission and the types of cases we can investigate. A copy of the commission's rules will be mailed to you upon request or you can print a copy from the website.

Under the rules approved by the Arizona Supreme Court, complaints may be made public at the conclusion of an investigation. However, if a complaint is dismissed, all personal information will be kept confidential.

Please print or type all information.

1. Your name: JOSEPH VALENTINE
2. Mailing Address: _____
City: _____ State: _____ Zip Code: _____
3. Daytime telephone: _____ Evening telephone: _____
4. Judge's name: MR JAMES MAPP Location: EL MIRAGE MUNICIPAL
5. Court: municipal court; ___ justice court; ___ superior court; ___ court of appeals; or ___ supreme court.
6. Did you have a case before this judge? yes, ___ no. If so, is the case still pending? yes, ___ no.
 - a. Case name and number: PR2013008361
 - b. List the names of any attorneys who appeared in the case: NO APPEARANCES
- ___ c. List the names, addresses and telephone numbers of any witnesses who observed the judge's conduct: DNA

I affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true.

Signature

Date

8/10/13

8/9/13

To whom it may concern ,

I am drafting this correspondence in an effort to right a wrong that I believe has occurred to me in the State Of Arizona. Before I begin, I am currently a property owner in the Prescott area and was hoping to move to your great state in the very near future. I am thinking of relocating to Prescott as I have recently retired from the New York State Police after serving 27 years with that agency. During my tenure with the New York State Police I held the position of Trooper, Sergeant, Training Officer, Investigator and retired with the final rank of Senior Investigator. I was responsible for supervising the more serious investigations that occurred in 2 counties in Upstate New York. I also took the lead in numerous major crimes that included Murder, Bank Robberies, Rapes, Etc. During my tenure I followed the law and adhered to any changes that these laws or court rulings would have pertaining to any specific crimes or procedures.

Now to the point

I was vacationing in your state from Dec 2012 thru April 2013. Upon my return home I was informed by my daughter that I received a **photo ticket** from the El Mirage Municipal Court. After completing research on the matter it was brought to my attention that in order for an Arizona Court to obtain personal jurisdiction in the matter I would need to sign a "waiver of personal service" and return this to the Court. If this waiver were not signed and returned or I did not voluntarily appear on the Court date assigned, the photo ticket would be dismissed after a specified period of time. Well, I chose to ignore the ticket and allow the time to pass thereby causing the ticket to be dismissed.

Imagine my surprise when I received a letter from the Motor Vehicle Division of Arizona stating my driving privilege was suspended in Arizona after it was determined by the El Mirage City Court that I failed to appear as ordered. This same Court also entered a judgment of speeding against me. All this after driving 28 years without a blemish on my record.

In an effort to clarify this issue I drafted a letter to the El Mirage Municipal Court asking that this matter be rectified by vacating the judgment and restoring my driving privilege. I justified my position by making reference that this summons going forward to prosecute required personal service, or in lieu thereof my voluntary appearance that did not occur per the current Arizona law. This motion was denied with a notation made by an unknown person on the letter stating that a call was made to the court thereby bypassing any laws.

After receiving the above referenced letter and denial I again wrote the court a second letter requesting the same but this time included case law from Maricopa County Superior Court which clarified the issue of requirements for service. This case law was written by Hon Susan R Bolton. It states that any judgment is void if service is not complete by signed waiver or personal appearance. This letter was again returned to me with another notation written by an unknown person stating that the matter was now being assigned to FARE (apparently a collection agency).

Today I received notice from FARE, LDC Collection Systems, that I need to pay the fine of \$406.98 to satisfy my obligation. I can then restore my driving privilege in the State of Arizona. Being a man of principal I do not want to cave and pay for the sake of clarifying this matter, but rather, choose to hold the Court responsible to adhering to the laws of the your State.

Please assist me in rectifying this matter in whatever way possible. I find it incredulous that a Court in your state can make unsound judgment and reasoning when given the facts of the law and then causes an Arizona taxpaying citizen such anguish as this Court has caused me. I again reiterate my assertion that I never waived service in any fashion. There are numerous notices on the attached documents from the court requesting I sign and thereby waive the required service. I never completed these documents but now this same court refuses to vacate a judgment knowing fully about the waiver requirement.

I have enclosed copies of all my correspondence in the order that I received them

1 – Photo ticket **Please note the Warning to defendant and Waiver notice referencing the above service waiver. Also included was a second page requiring my signing a waiver of service. It is abundantly clear that the Court requires this waiver of service to obtain personal jurisdiction.**

2- My first letter to the Court asking judgment be vacated. **Returned with notation referenced above.**

3- Second letter again asking judgment be vacated with included text of case law. **Returned with notation referenced above.**

4- Letter from Motor Vehicle Division of Arizona stating my driving privilege was suspended in Arizona after it was determined by the El Mirage City Court that I failed to appear as ordered.

5- Collection systems request for payment.

Thank You

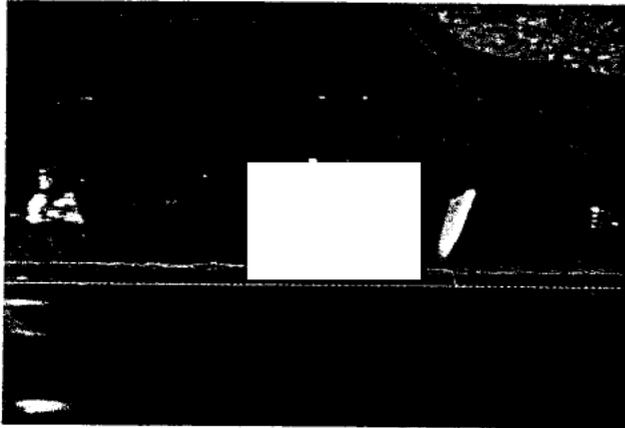
Joseph Valentine

623
815 2186

CITY of El Mirage, AZ
Photo Enforcement Program

Complaint # 21316258

3/7/13
8:13 AM
TESLA -



TOLL FREE INFORMATION LINE:

You may call the Photo Enforcement Call Center 1-800-752-4874 – 6 AM to 5 PM, Monday – Friday, for information regarding this notice and photo speed camera enforcement.

NOTE: The violation has been captured on video and is available for 60 days from the date of violation. The video can be viewed on the Internet at: www.photonotice.com . Enter City Code: **ELMGAZ**

JOSEPH VALENTINE





El Mirage Police Department, Maricopa County
Arizona Traffic Ticket and Complaint



Complaint # 21316258		Case #	Military	<input type="checkbox"/> Accident <input type="checkbox"/> Fatality	<input type="checkbox"/> Serious Physical Injury	<input type="checkbox"/> Commercial <input type="checkbox"/> Haz Material	DR #	GRID #
Driver's License Number		State	Class	Endorsements M H N P T X D			Agency Use	
DEFENDANT		First JOSEPH	Middle	Last VALENTINE				
Residential Address/Mailing			City	State	Zip	Telephone		
Sex	Weight	Height	Eyes	Hair	Origin	Date of Birth	Restrictions	
Business Address			City	State	Zip	Telephone		
VEHICLE	Color	Year 2012	Make FORD	Model	Style 4D	License Plate	State	Expiration 03/18/2013
Registered Owner CITATIONS DEPARTMENT			Address 6929 N LAKEWOOD AV 100, TULSA, OK 74117			Vehicle Identification Number		

ON	Month JANUARY	Day 14	Year 2013	Time 12:52	AM <input type="checkbox"/> PM <input checked="" type="checkbox"/>	SPEED	Approx. 61	Posted 45	R&P	Beat	Speed Measurement Device
AT	Location PRIMROSE STREET & GRAND AVENUE WB				City of El Mirage		Maricopa County	Direction of Travel			

A.	Section	ARS/CC ARS 28-701A	Violation Description SPEED GREATER THAN REASONABLE AND PRUDENT	Civil Traffic
	Docket Number	Disposition Codes	Date of Disposition	Sanction

I certify upon reasonable grounds, I believe the person named herein committed the act(s) described and I have caused this complaint to be issued on: 02/20/2013.

0062

ROBERT TAUGNER, Complainant

ID No.

SUMMONS

You are hereby summoned and ordered to appear at the El Mirage Municipal Court (0759) – 14010 North El Mirage Rd, El Mirage, Arizona 85335 **NO LATER THAN: 03/22/2013 at 1:30 pm** on a complaint charging you with the offense of: **SPEED GREATER THAN REASONABLE AND PRUDENT** on 01/14/2013.

James Mapp, Presiding Judge

If the sanction/fine and costs of \$ 247.00 are received by the Court prior to the above date, you do not need to appear in court.

WARNING TO DEFENDANT

If you waive service or you are served with the Summons and Complaint and you fail to appear as directed, a default judgment may be entered against you, a civil sanction imposed, and your driver's license suspended. Your driver's license or non-resident privileges may remain suspended until the sanction is paid in full and you satisfy Motor Vehicle Division requirements (A.R.S. 28-1557).

WAIVER NOTICE: Rules: 4.1 and 4.2, Arizona Rules of Civil Procedure, require defendants living within the United States to cooperate in saving unnecessary costs of service of summons. To avoid further action and additional costs respond no later than 03/22/2013 by choosing one of the options on the Options Page (page 2). You must sign the reverse side of the coupon to avoid these costs. By law, you have been provided with a copy of the complaint and an enclosed envelope with which to comply.

- This is a copy of the complaint with the offense described on the enclosed complaint that has been filed in the El Mirage Municipal Court. Please be advised that persons carrying weapons of any kind will not be permitted in the court building.
- JUVENILE NOTICE:** If you are a juvenile and choose to appear at the hearing to contest the violation you **MUST** appear with a parent/guardian at the date and time indicated.

Arizona Traffic Ticket and Complaint

El Mirage Police Department
c/o Traffic Enforcement Office
P.O. Box 42034
Phoenix, AZ 85080

IF YOU ARE PAYING, make sure this address appears in the window of the enclosed envelope.

Al enviar el pago, asegúrese de que esta dirección se vea por la ventana del sobre provisto.



El Mirage Municipal Court
12145 N.W. Grand Ave
El Mirage, Arizona 85335-9911

JOSEPH VALENTIN

TO AVOID COST OF SERVICE,
THIS SECTION MUST BE
COMPLETED AND SIGNED

Without admitting responsibility, by signing, I hereby acknowledge receipt and waive service of this summons to avoid unnecessary costs of service to me. I declare under penalty of perjury, that all information provided by me on this document is true and correct (see waiver notice on Page 3).

X _____ Daytime Phone #: _____
(Signature)

Tear Here

Tear Here

Tear Here

IF YOU WERE NOT THE DRIVER, make sure this address appears in the window of the enclosed envelope.

Si usted no era el conductor, asegúrese de que esta dirección se vea por la ventana del sobre provisto.



Traffic Enforcement Office
P.O. Box 42034
Phoenix, AZ 85080-9803

TO AVOID COST OF SERVICE,
THIS SECTION MUST BE
COMPLETED AND SIGNED

Without admitting responsibility, by signing, I hereby acknowledge receipt and waive service of this summons to avoid unnecessary costs of service to me. I declare under penalty of perjury, that all information provided by me on this document is true and correct (see waiver notice on Page 3).

X _____ Daytime Phone #: _____
(Signature)

Tear Here

Tear Here

Tear Here

IF YOU ARE REQUESTING A HEARING OR PLAN TO ATTEND DRIVING SCHOOL, make sure this address appears in the window of the enclosed envelope.

Si solicita audiencia de transito o participar al programa de manejo defensivo, asegúrese de que esta dirección se vea por la ventana del sobre provisto.



El Mirage Municipal Court
12145 N.W. Grand Ave.
El Mirage, AZ 85335-9911

TO AVOID COST OF SERVICE,
THIS SECTION MUST BE
COMPLETED AND SIGNED

Without admitting responsibility, by signing, I hereby acknowledge receipt and waive service of this summons to avoid unnecessary costs of service to me. I declare under penalty of perjury, that all information provided by me on this document is true and correct (see waiver notice on Page 3).

X _____ Daytime Phone #: _____
(Signature)

PR13-8361

JUN 28 2013
[Signature]

To El Mirage Municipal Court

I recently received a notice of delinquent account from your agency regarding a past Court Judgment. Please be advised that after a review of the laws of the State of Arizona I am requesting that this judgment be immediately vacated as the proper personal service was never completed. I live in the State Of New York and was never served any documents pertaining to this service. Should there be further questions please send any correspondence to the address below.

Case # PR2013008361

Thank You

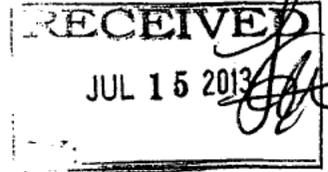
Joseph Valentine

Denial
I called the court and acknowledged the citation, thereby removing the need for personal service.
[Signature]

07/02/13
Mailed

PR13 8361

7/8/13



To El Mirage Municipal Court

I am contacting your Court to again state my case regarding a judgment against my driving record that occurred in your jurisdiction. I retired from the New York State Police in April 2012 after a 27 year career. I held the positions of Trooper, Sergeant, Investigator, and retired with the rank of Senior Investigator. During this time I have followed the laws as set by the State and interpreted by the Courts. When in doubt I have sought the legal advice of those with better knowledge of those laws I was charged in enforcing. I have attempted to make my case with my last letter I sent to your Court with no success. I am again requesting this judgment be vacated, the suspension on my license be lifted, and the case be dismissed. As reference for this request I have included the following case law.

The requirements for service under Rule 4.1(c) are clear. A summons and complaint may be served by first-class mail along with two copies of a notice and acknowledgment of receipt of summons and complaint and a postage-paid return envelope, but service is not complete until the acknowledgment of receipt is executed. Ariz.R.Civ.P. 4.1(c)(1), (2). If the acknowledgment of receipt is not executed, service is not complete under this method even if there is evidence that the summons and complaint were received. See Worrell v. B.F. Goodrich Co., 845 F.2d 840, 841-42 (9th Cir.1988), cert. denied, 491 U.S. 907, 109 S.Ct. 3191, 105 L.Ed.2d 699 (1989). Until service is complete, no personal jurisdiction is obtained, and any judgment entered is void. Endischee v. Endischee, 141 Ariz. 77, 79, 685 P.2d 142, 144 (App.1984); Kadota v. Hosogai, 125 Ariz. 131, 134, 608 P.2d 68, 71 (App.1980).

The Honorable Susan R. Bolton, Maricopa County Superior Court Judge, was authorized to participate in the disposition of this matter by the Chief Justice of the Arizona Supreme Court pursuant to article 6, section 3 of the Arizona Constitution.

Case # PR2013008361

Joseph Valentine

assigned to
FAOE



**Motor
Vehicle
Division**

Mail Drop 534M
Motor Vehicle Division
PO Box 2100
Phoenix AZ 85001-2100

CORRECTIVE ACTION

26-9611 R10/11 www.azdot.gov

Notice Date
07/02/2013

License Number

Date of Birth

Action Type
SUSPENSION

JOSEPH VALENTINE

The following action has been ordered against your driving and/or vehicle registration privileges. This action is in addition to other actions, if any, taken against your record, and will remain in effect until all statutory requirements are met or the cause for the action is removed. If eligible for a hearing on this action, that hearing will be limited to this action only, and will have no effect on any other action which may be taken against your record.

After all requirements are complete, if your driving privilege is suspended, revoked or disqualified, you may be able to reinstate online at www.servicearizona.com. However, in some cases you may still be required to visit an MVD office.

If you have any questions, please call Phoenix 602-255-0072, Tucson 520-629-9808, elsewhere in Arizona 800-251-5866, (Hearing/Speech Impaired-TDD systems only: Phoenix 602-712-3222, elsewhere 800-324-5425) or visit www.azdot.gov. Thank you.

Date Action Begins 07/02/2013	Statutory Authority 28-3308	Traffic Violation Date 0000000021316258A
Date Action Ends INDEF	Case Number 131812487*06/30/2013*	Traffic Violation Code 01/14/2013
Date Eligible To End Action	Complaint Number	Court Name 28-701A

We have received notice from the court indicating that you failed EL MIRAGE CITY COURT to appear on a traffic complaint. Your driving privilege has been suspended.

You are not entitled to a hearing. To resolve this action, please call or take this notice to:

EL MIRAGE CITY COURT
(623) 815-2186

For more on your rights and requirements, please see the following paragraphs on the back of this notice: 3, 4, 5, 7 and 10.

LDC COLLECTION SYSTEMS

P.O. Box 52030
Phoenix, AZ 85072-2030

Called COURT 8/9/13
+ INFORMED DISPUTATION CASE
+ NOT TO ENFORCE COLLECTION

#1103023196002287#
VALENTINE, JOSEPH

JUDICIAL
REVIEW
FILED

Notice Date: 07/15/13
Notice Number: 02 13196 00228
Case Number: PR2013008361
Previously Paid: \$0.00
Balance Due: \$406.98

06-0057

Para leer las instrucciones en español, favor de ver el reverso de este aviso.

PREVENT COLLECTION ACTION

El Mirage Municipal Court recently contacted you regarding the delinquent case listed above. Because you have failed to satisfy your obligation as required, the Court has authorized LDC Collection Systems to take all appropriate actions to collect the fines and fees owed on this case.

YOU MUST GIVE THIS MATTER YOUR PROMPT ATTENTION. If you fail to pay the amount due, LDC is prepared to take further collection actions including garnishment of your wages and referral of this obligation to a national credit bureau, which may affect your ability to obtain credit. The Court also retains the right, and may have already exercised the right, to intercept your Arizona tax refunds or lottery winnings, and if applicable, suspend your driving privileges and prevent the re-registration of your vehicle(s) in Arizona.

If you have any other court ordered obligations on this case (such as screening, counseling, or community service, etc.) you must appear in court and provide proof of compliance.

Additional case information can be obtained at <http://www.supreme.state.az.us/publicaccess/> or by calling the court at 623-815-2186.

This is an attempt to collect fines and fees owed to El Mirage Municipal Court. Any information obtained by LDC Collections Systems will be used for that purpose. If you dispute the validity of this debt, you must contact El Mirage Municipal Court within 15 days; otherwise LDC Collections will consider this matter valid.

Payment Options:

- Send a cashier's check or money order. Make all cashier's checks or money orders payable to El Mirage Municipal Court and send to the court address listed below. **DO NOT SEND CASH**
- Pay online via the internet at www.azcourtpay.com. Selecting this option enables you to make a payment 24 hours a day, seven days a week.
- Pay by Phone by calling 1-866-859-2527. Selecting this option allows you to make a payment via telephone at your convenience, 24 hours a day, seven days a week.
- Pay in person at El Mirage Municipal Court, 14010 N. El Mirage Rd. El Mirage, AZ 85335.

Please detach and return the bottom portion of this notice with your payment

021 (01/09/08)

PLEASE WRITE THE CASE NUMBER ON YOUR CASHIER'S CHECK OR MONEY ORDER
MAKE PAYABLE TO: EL MIRAGE MUNICIPAL COURT

021 (01/09/08)

You can also pay on the Web at "<http://www.azcourtpay.com>" or by calling toll free at 1-866-859-2527 using your credit card. A restricted TTY line is available at 602-253-9301.



TOTAL AMOUNT DUE	AMOUNT PAID
\$406.98	

VALENTINE, JOSEPH

Please denote any change of address.

Notice Date: 07/15/13
Case Number: PR2013008361

EL MIRAGE MUNICIPAL COURT
12145 NW GRAND AVE
EL MIRAGE, AZ 85335

SEP 03 2013

Commission on Judicial Conduct
1501 W. Washington Street, Ste 229
Phoenix, Az 85007

August 28, 2013

RE: Case No. 13-203

Thank you for the opportunity to respond to the Commission's inquiry into my recent suspension. Effective September 17, 2013, I will no longer be the Presiding Judge of the El Mirage Court, as my term will have ended. After that date, I can be contacted at:

Factual background: According to my review of the case log (attached), the Defendant Mr. Valentine was notified by mail of a citation issued by the El Mirage Police Department, alleging that on 1/14/13, a vehicle he was driving was exceeding the reasonable and prudent speed limit within the City of El Mirage. Based upon a review of the ticket (attached), it appears that Mr. Valentine was driving a rented vehicle: the notation that the registered owner was "Citations Department" usually indicates a rented vehicle. The usual inference to be drawn from this designation is that the agency renting the vehicle received the citation and provided the name of the person who rented the vehicle to the police department.

Procedural History: On 2/21/13, the citation was filed with the Court by the El Mirage Police Department. The clerk then calendared the arraignment for the citation for March 22, 2013, and assigned it case no. PR-13-8361. On 3/7/13, the Defendant contacted the Court telephonically, spoke with a clerk, and acknowledged receipt of the citation. The clerk's notes indicate that the Defendant was notified of his options: Court policy and procedure is to advise defendants of the date of their arraignment, and their options to attend Defensive Driving School, contest the citation, pay the citation, or nominate another person as the driver.

On 3/22/13, the Defendant failed to appear at arraignment. On 6/7/13, the citation was defaulted, and the default reported to the Arizona MVD.

On 6/28/13, the Court received a letter from the Defendant requesting that the default judgment be vacated based on lack of personal service. *See Defendant's exh.2*. This letter was treated as a

Motion, despite failing to comply with the technical rules for the filing of Motions.¹ On 7/1/13, the Court (by the Presiding Judge) issued a ruling on the Motion, indicating that the Defendant (designated by the symbol “Δ”) had waived the need for personal service by telephonically acknowledging the citation. *See Defendant’s exh. 2, hand-written note.* This ruling was mailed to the Defendant on 7/2/13 (as indicated by the clerk on the motion).

On July 15, 2013, the Court received an additional letter/motion from the Defendant, in which the Defendant attempted to cite an Arizona case in support of his argument that the default should be vacated and the citation dismissed. According to the case log, the Court (by another Judge, not this respondent), issued an Order that same date (which Order is neither attached to the Defendant’s complaint nor part of the case file provided to this respondent) denying the Defendant’s Motion.

Relevant Rules/Statutes:

Arizona Rules of Civil Procedure, rule 4(f). Service; Acceptance or Waiver; Voluntary Appearance

The person to whom a summons or other process is directed may accept service, or waive issuance or service thereof, in writing, signed by that person or by that person’s authorized agent or attorney, and the acceptance or waiver shall be filed in the action. A person upon whom service is required may, in person or by attorney or by an authorized agent, ***enter an appearance in open court, and the appearance shall be noted by the clerk upon the docket and entered in the minutes.*** Such waiver, acceptance or appearance shall have the same force and effect as if a summons had been issued and served. The filing of a pleading responsive to a pleading allowed under Rule 7(a) of these Rules shall constitute an appearance. (Emphasis added).

Response: In order to accommodate pro per defendants, the Court has always permitted such defendants in civil traffic cases to enter an admission, denial, or acknowledgement of a civil traffic citation either by phone or in person. Requiring strict adherence to the technical rules from such defendants has the effect of interfering with the timely administration of justice and the frustration of the defendants’ wishes in such cases. The Court has interpreted Rule 4(f) above to mean that a defendant’s appearance in court, either personally or telephonically, provided the

1 It is the Court’s policy to accept such non-conforming Motions, to the extent the Court can reasonably interpret the intent and meaning of such correspondence.

2 The Presiding Judge (respondent in this matter) began an extended leave of absence on 7/1/13.

person is adequately identified as the proper defendant, is sufficient to meet the requirements of the Rule. This serves the purpose of ensuring that a defendant has actual knowledge of the charge(s) against them as well as information regarding their obligations in the case.

The language cited by the Defendant (presumably from an Arizona case) was not reviewed by this respondent Judge (as I did not rule on the Motion to which it is attached), but it appears to be inapposite to this matter. First, the Rule cited (Rule 4.1) refers to service within the State of Arizona: Defendant was not within the State of Arizona. Second, the case appears to involve in different factual scenario, in which an acknowledgement was not received by the Court prior to invoking jurisdiction over the defendant there. In the instant case, a verbal acknowledgement was received by the Court, from the Defendant.

Finally, this matter is inappropriate for review by the Judicial Commission. The Defendant here is attempting to use this Commission as a *de facto* appellate court. There are proper procedures to be followed for disputing an adverse decision in traffic court, and Defendant (for whatever reason) has opted to not follow those procedures. Instead, he is asking the Commission to overturn his civil traffic conviction, which is clearly beyond the Commission's mandate. As Defendant repeatedly refers to his long and distinguished career in law enforcement, it seems that he is seeking special treatment from this Commission, rather than being required to follow the rules like everyone else.

Conclusion: If the Court's procedures are not in line with the Arizona Rules, then the Court will of course amend those procedures. As of the time of this response, the Court is in the middle of an operational review by the Administrative Office of the Courts, and this issue may well be one of those raised by AOC in recommending changes to the Court. Such changes, of course, will be the duty of the next Presiding Judge, as my tenure will have ended before any such recommendations are received and acted upon. However, Defendant's complaint in this matter should be dismissed on the basis that no judicial misconduct occurred.

Sincerely,

‘

James M. Mapp
Presiding Judge

EL MIRAGE MUNICIPAL COURT
 12145 NW GRAND AVE, EL MIRAGE, AZ 85335
 (623) 815-2186

TIME: 10:17:08 AM
 DATE: Aug 22, 2013
 PAGE: 1

CASE: M- 0759-PR- 2013008361 PARTY: D - 001 VALENTINE JOSEPH
 ST OF AZ VS VALENTINE JOSEPH

STATUS: FB FTA SUSPENSION

FILING DATE: 02-21-2013 CASE TYPE: TRI LJ-CIVIL TR-OTHER
 EVENT CATEGORY: Z

DATE	SEQ	EVENT	RECEIPT #	AMOUNT	Number of Hours Sentenced	RESULT
02-21-2013	01	COMPLAINT FILED-UNIFORM CITATN Citation C-00000021316258 Filed		\$0.00		
03-07-2013	01	DPE-ACKNOWLEDGEMENT RECD DEF CALLED TO GO OVER ALL OPTIONS HE SAID HE WOULD THINK ABOUT IT MORE NT		\$0.00		
03-07-2013	02	TELEPHONE CALL DEF CALLED TO GO OVER ALL OPTIONS HE SAID HE WOULD THINK ABOUT IT MORE NT		\$0.00		
03-22-2013	01	CAL: ARRAIGNMENT Calendar Posting on 02-21-2013		\$0.00		
03-22-2013	02	CAL: ARRAIGNMENT Calendar Posting on 06-07-2013		\$0.00		NCMPNON-COMPLIANCE
06-07-2013	01	SUSPENSION		\$0.00		
06-07-2013	02	INFO: ASSIGNED TO FARE		\$0.00		
06-07-2013	03	FUND: PHOTO ENF BAS FINE OTHR Count 1-1 (\$91.94) FUND: PHOTO ENF BAS FINE OTHR		\$91.94		
06-07-2013	04	FUND: 2012 SURCHARGES (83%) Count 1-1 (\$76.31) FUND: 2012 SURCHARGES (83%)		\$76.31		
06-07-2013	05	FUND: 2011 ADDTNL ASSESSMENT Count 1-1 (\$13.00) FUND: 2011 ADDTNL ASSESSMENT		\$13.00		
06-07-2013	06	FUND: CT TECH ENH FEE 83% Count 1-1 (\$45.75) FUND: CT TECH ENH FEE 83%		\$45.75		
06-07-2013	07	FUND:PROBATION ASSESSMENT Count 1-1 (\$20.00) FUND:PROBATION ASSESSMENT		\$20.00		
06-07-2013	08	FUND: TIME PYMT \$20 JCEF Count 1-1 (\$20.00) FUND: TIME PYMT \$20 JCEF		\$20.00		
06-07-2013	09	FUND: DEFAULT FEE Count 1-1 (\$40.00) FUND: DEFAULT FEE		\$40.00		
06-07-2013	10	FUND: FARE DELINQUENCY FEE Count 1-1 (\$35.00) FUND: FARE DELINQUENCY FEE		\$35.00		
06-07-2013	11	FUND: FARE FEE SPEC COLL Assessed by AZTEC user Count 1-1 Actual assessed amount is \$64.98		\$64.98		
06-10-2013	01	FARE: COLLECTION LTR TYPE 1 Notice Type 01 dated 06-11-2013 Notice #: 01131620 for Balance: \$ 406.98		\$0.00		
06-28-2013	01	MOTION FILED DEF FILED MOTION VIA MAIL REQUESTING JDGMT TO BE VACATED LESP		\$0.00		
06-28-2013	02	FILE: JUDGE'S DESK		\$0.00		

EL MIRAGE MUNICIPAL COURT
12145 NW GRAND AVE, EL MIRAGE, AZ 85335
(623) 815-2186

TIME: 10:17:08 AM
DATE: Aug 22, 2013
PAGE: 2

CASE: M- 0759-PR- 2013008361 PARTY: D - 001 VALENTINE JOSEPH
ST OF AZ VS VALENTINE JOSEPH

STATUS: FB FTA SUSPENSION

FILING DATE: 02-21-2013 CASE TYPE: TR1 LJ-CIVIL TR-OTHER
EVENT CATEGORY: Z

DATE	SEQ	EVENT	RECEIPT #	AMOUNT	Number of Hours Sentenced	RESULT
07-01-2013	01	ORDER DENYING MOTION/PETITION DENIED DEF CALLED THE CRT AND ACKNOWLEDGE THE CITATION THEREBY REMOVING THE NEED FOR PERSONAL SERVICE ORDER MAILED TO DEF LESP		\$0.00		
07-12-2013	01	FARE: COLLECTIONS LTR TYPE 2 Notice Type 02 dated 07-15-2013 Notice #: 02131960 for Balance: \$ 406.98		\$0.00		
07-15-2013	01	MOTION FILED DEF FILED MOTION VIA MAIL IN REGARDS TO SUSPENSION DEF REQUESTING FOR SUSPENSION TO BE LIFTED AND CASE DISMISSED		\$0.00		
07-15-2013	02	FILE: JUDGE'S DESK		\$0.00		
07-15-2013	03	ORDER DENYING MOTION/PETITION ASSIGNED TO FARE COPY MAILED TO DEF LESP		\$0.00		
08-09-2013	01	TELEPHONE CALL DEF CALLED IN REGARDS TO COLLECTION NOTICE DEF STATED HE IS FILING COMPLAINT WITH THE JUDICIAL REVIEW BOARD FOR THE STATE OF ARIZONA AND WILL MAIL LETTER TODAY..... THEREFORE HE WANTS THIS CALL TO BE DOCKETED AND IT CLEARLY STATES ON LDC LETTER TO STOP COLLECTIONS DEF NEEDS TO CONTACT CRT TO INFORM THEM OF A HEARING.... LESP		\$0.00		
08-15-2013	01	FARE: COLLECTIONS LTR TYPE 3 Notice Type 03 dated 08-16-2013 Notice #: 03132280 for Balance: \$ 406.98		\$0.00		